

Denis Law  
Mayor



Public Works Department - Gregg Zimmerman, P.E., Administrator

March 10, 2010

Attn: CECW-CE, Douglas J. Wade  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, DC 20314-1000

**RE: CITY OF RENTON COMMENTS ON USACE PROCESS FOR REQUESTING A  
VARIANCE FROM VEGETATION STANDARDS FOR LEVEES AND FLOODWALLS  
(Docket No. COE-2010-0007)**

Dear Mr. Wade:

The following is the City of Renton's comments regarding the February 9, 2010, Federal Register / Vol. 75, No. 26 U.S. Army Corps of Engineers (USACE) policy on the process for requesting a variance from mandatory vegetation standards for levees and floodwalls (Docket No. COE-2010-0007). Renton recommends the following comments be used in reshaping the establishment of mandatory vegetation maintenance standards for flood protection facilities.

The USACE mandatory vegetation standards for flood control levees and floodwalls are not in compliance with the Federal Endangered Species Act (ESA) and the Clean Water Act (CWA). The USACE vegetation standards should be reviewed for consistency with these requirements through Section 7 consultation with the National Marine Fisheries Service, USFW Service with respect to the ESA and the Environmental Protection Agency, including the State 401 Water Quality Certification review of the standards. The USACE vegetation standards should be revised, as needed based upon this review, and as applicable to different parts of the country.

Local project sponsors are required to maintain levees and floodwalls in accordance with the USACE mandatory vegetation standards; otherwise the facilities would not be eligible for PL-84-99 funding, if the facility is damaged during a federally declared disaster. In addition, USACE vegetation standards must be met to comply with levee/floodwall certification requirements for the facility to be recognized by FEMA. Then FEMA will map the areas as protected by the facility and not in a floodplain on the FEMA Flood Insurance Rate Maps. Due to the conflicting federal standards and permit requirements (USACE mandatory vegetation standards/ESA/CWA) local sponsors' ability to meet all requirements simultaneously is not practical. This could result in local sponsors' inability to maintain eligibility for federal disaster repair funding under

PL-84-99. If FEMA does not certify the flood protection facility the flood protection benefits of the project would be lost. Decertification of flood protection facilities increases the financial burden on property owners due to additional requirements for developments and redevelopment, lower property values, and the cost of flood insurance. These additional costs will negatively impact economic growth, employment and revenues.

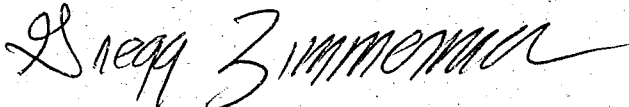
Local jurisdictions should not have to request a variance to USACE vegetation standards for their flood protection facility, because of the need to comply with other federal regulations (ESA and CWA). The USACE vegetation standards should be established in accordance with these standards.

Therefore, the City of Renton recommends that the U.S. Army Corps of Engineers, through its district offices in coordination with local jurisdictions, develop standards for vegetation maintenance on flood protection facilities that recognize the unique requirements in different regions of the country associated with the Endangered Species Act and the Clean Water Act. The USACE vegetation standards should be consistent with all other federal regulations and concurred with by the other appropriate federal agencies through the established review processes and procedures. These conflicting standards jeopardize public safety, environmental quality and the economy.

We strongly encourage the U.S. Army Corps of Engineers to develop levee and floodwall vegetation maintenance standards that are in full compliance with all other federal regulations.

If you have any questions, please contact Ron Straka, Surface Water Utility Engineering Supervisor, at 425-430-7248 or by e-mail at [rstraka@rentonwa.gov](mailto:rstraka@rentonwa.gov).

Sincerely,



Gregg Zimmerman, P.E.  
Public Works Department Administrator

cc: Denis Law, Mayor  
Jay Covington, Chief Administrative Officer  
Lys Hornsby, P.E., Utilities Director  
Ron Straka, P.E., Surface Water Utility Engineering Supervisor